

## REMARKS

The present amendment is made in response to the Office Action dated December 4, 2007. Claims 1-21, and 26-31 are now present in this case. Claims 22-25 have been cancelled by this amendment. Claims 1, 4, 6-9, 12, 13, 15-18, 26, 27, 29, and 30 have been amended by this amendment. No new claims have been added.

### **Claims 1 and 9**

Claims 1 and 9 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,301,514 issued to Canada et al. in view of over U.S. Patent No. 7,085,553 issued to Harrenstien et al., and further in view of over U.S. Patent No. 6,885,862 issued to Pearson.

Amended independent claims 1 and 9 both recite the wireless transceiver unit and the wireless base unit are configured to communicate over a voice traffic channel and that call record information related to usage of the voice traffic channel is sent over the control channel in response to an information request message requesting such information.

Canada et al. discloses a wireless monitoring system used to remotely monitor certain machine characteristics, such as speed, vibration, flux or other electromagnetic characteristics, temperature, and pressure, of machines and processes, such as those in a manufacturing plant. (column 6, lines 39-49.) The system includes, *inter alia*, (1) one or more machine monitors 4 placed in various locations on, or in, one or more machines, the monitors 4 transmit wireless signals containing status data representative of the status of the machine and the status of the monitor; and (2) a command station 6 that transmits status requests to the machine monitors 4, and receives data transmitted from the machine monitors 4 sent in response to the status request. (column 6, lines 49-65; column 9, lines 33-36.)

Canada et al. does not disclose either a voice traffic channel or call record information related to usage of the voice traffic channel. Further, because Canada et al. is concerned with machines, that are not communication devices, the reference provides no teaching or motivation to modify the machine monitoring system to include a voice traffic channel.

Harrenstien et al. discloses a mobile-based client-server system 20 that allows for the efficient transfer of information from a server 22 to a mobile client station 30 via a wireless network 27. The server 22 is connected to an associated communication transceiver 28 via a GSM-based wireless network 27 for communicating with a plurality of mobile client stations 30, which may comprise, e.g., suitable data terminals, laptop computers, or PDAs, etc. The respective GSM-based transceiver 28 may each consist of a respective mobile telephone set configured with a data communication port (column 5, lines 1-3.) "Generally, the client stations 30, including one or more residing application programs, periodically receive and transmit information from and to the server 22." (column 5, lines 4-6.) "A more detailed description of a preferred communication protocol for the transmission of information between the server 22 and a specified client station 30 is provided in conjunction with the flow charts set forth in FIGS. 2 and 3." (column 5, lines 59-62.) The description associated with these figures does not disclose any polling whatsoever.

In addition to failing to disclose polling, Harrenstien et al. does not disclose sending or receiving call record information related to usage of the voice traffic channel over a control channel in response to an information request message requesting such information.

Pearson discloses a system for programming wireless subscriber terminals ("WST's") using a broadcast channel of a wireless communication system. The discussion with respect to polling in the reference is found at column 5, line 28 to column 6, line 1. After a base station 20 has transmitted a new control program to one or more participating WST's 24 using broadcast firmware block (BFB) messages 190, the base station 20 polls all of the participating WST's 24 using broadcast firmware status request (BFSReq) messages 200. Each BFSReq message 200 includes no message other than its own request for status information. Each WST 24 responds to the BFSReq message 200 using a broadcast firmware status (BFStat) message 210, transmitted to the base station 20 over a reverse control channel. The BFStat message 210 includes a status code 212 indicating the status of the received control program, e.g., transfer incomplete, transfer complete, transfer and switch-over complete.

Harrenstien et al., Pearson fails to disclose sending or receiving call record information related to usage of the voice traffic channel over a control channel in response to an information request message requesting such information.

Further, none of the other references cited in the Office Action teach or suggest sending or receiving call record information related to usage of the voice traffic channel over a control channel in response to an information request message requesting such information. Therefore, none of these references alone or in hypothetical combination teach the inventions of claims 1 and 9 and withdrawal of this ground for rejection is kindly requested. Claims 2-8 are also allowable in view of the fact that they depend from claim 1, and further in view of the recitation in each of those claims. Further, claims 10-17 are also allowable in view of the fact that they depend from claim 9, and further in view of the recitation in each of those claims.

**Claims 2, 3, 5, 8, 10, 11, and 14-17**

Claims 2, 3, 5, 8, 10, 11, and 14-17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada et al., Harrenstien et al., Pearson, and U.S. Patent No. 5,315,636 issued to Patel.

Claims 2, 3, 5, and 8 all depend from claim 1 and are allowable over the combination of Canada et al., Harrenstien et al., and Pearson for at least the reasons presented above.

Claims 10, 11, and 14-17 all depend from claim 9 and are allowable over the combination of Canada et al., Harrenstien et al., and Pearson for at least the reasons presented above.

Patel fails to cure the deficiencies of Canada et al., Harrenstien et al., and Pearson because Patel does not teach or suggest sending or receiving call record information related to usage of the voice traffic channel over a control channel in response to an information request message requesting such information. Instead, Patel discloses a location independent personal telecommunications system that enables a subscriber to have a single personal telephone directory number. The location of the subscriber is determined using a radio tracking system including a radio base stations that monitor the subscriber's location by communicating with a personal

communicator carried by the subscriber. The subscriber location information is transmitted from the base stations to the service node for storage and subsequent access when a call is placed to the subscriber's personal telephone number. The service node transfers an incoming call to the proper telephone number at the location where the subscriber is currently, or was last known to be located. If the subscriber is not at a fixed location with a known phone, the system sends an alert message of the incoming call through the base stations and the personal communicator to the subscriber.

In other words, Patel discloses a base station configured to send polling messages to a personal communicator to determine its location. Patel is silent with respect to call record information and therefore fails to cure the deficiencies of Canada et al., Harrenstien et al., and Pearson. Withdrawal of this ground for rejection is kindly requested.

#### **Claims 4 and 12**

Claims 4 and 12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada et al., Harrenstien et al., Pearson, Patel, and U.S. Patent No. 6,058,420 issued to Davies. The applicants respectfully traverse this rejection and request reconsideration.

Claim 4 depends from claim 1 and is allowable over the combination of Canada et al., Harrenstien et al., Pearson, and Patel for at least the reasons presented above.

Claim 12 depends from claim 9 and is allowable over the combination of Canada et al., Harrenstien et al., Pearson, and Patel for at least the reasons presented above.

Davies fails to cure the deficiencies of Canada et al., Harrenstien et al., Pearson, and Patel because Davies does not teach or suggest sending or receiving call record information related to usage of the voice traffic channel over a control channel in response to an information request message requesting such information. In fact, like Canada et al., Davies does not teach or suggest a voice traffic channel.

Instead, Davies discloses a system used to manage a network by monitoring at least one interface of the network including a poller, a server, and a database, all in communication with one another. The poller continuously checks at least one interface of the network by continuously sending out a poller query message to the interface to determine whether the interface is failing. Specifically, polling modules 503A and 503B send Get Requests (such as Get Request 621 shown in FIG. 6A) and, if an interface failure is detected, which is usually indicated by the absence of a response, polling modules 503A and/or 503B repolls the interface suspected of failing by resending a Get Request. (column 6, lines 58-63.) “In so doing, polling modules 503A and/or 503B track responses to determine which interfaces are reachable and which are not and, if polling modules 503A and/or 503B fail to reach an interface two (2) consecutive times, a message is sent to server module 501.” (column 6, line 63 to column 7 line 1.)

In other words, Davies teaches sending polling messages that determine whether an interface is failing. Davies has nothing whatsoever to do with sending or receiving call record information and therefore fails to cure the deficiencies of Canada et al., Harrenstien et al., Pearson, and Patel. Withdrawal of this ground for rejection is kindly requested.

### **Claims 6 and 7**

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada et al., Harrenstien et al., Pearson, and U.S. Patent No. 6,014,374 issued to Paneth et al. The applicants respectfully traverse this rejection and request reconsideration.

Claims 6 and 7 both depend from claim 1 and are allowable over the combination of Canada et al., Harrenstien et al., and Pearson for at least the reasons presented above. Paneth et al. fails to cure the deficiencies of Canada et al., Harrenstien et al., and Pearson because Paneth et al. does not teach or suggest sending or receiving call record information related to usage of the voice traffic channel over a control channel in response to an information request message requesting such information. Instead, Paneth et al. discloses a telecommunication system for

processing a plurality of simultaneous bidirectional communications. The reference does not disclose polling mobile stations for any reason whatsoever.

Withdrawal of this ground for rejection is kindly requested.

### **Claim 13**

Claim 13 stands rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada et al., Harrenstien et al., Pearson, and U.S. Patent No. 6,347,092 issued to Serikawa et al.

Claim 13 depends from claim 9 and is allowable over the combination of Canada et al., Harrenstien et al., and Pearson for at least the reasons presented above. Serikawa et al. fails to cure the deficiencies of Canada et al., Harrenstien et al., and Pearson because Serikawa et al. does not teach or suggest sending or receiving call record information related to usage of the voice traffic channel over a control channel in response to an information request message requesting such information. Instead, Serikawa et al. discloses a time division multiple access communication technique.

Withdrawal of this ground for rejection is kindly requested.

### **Claim 18-21**

Claims 18-21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada et al., Serikawa et al., and Patel. The applicants respectfully traverse this rejection and request reconsideration.

Claim 18 has been amended to recite “maintaining a voice traffic channel used by the wireless transceiver unit after detecting that the power failure has occurred.” The claim also recites “tearing down a wireless data traffic channel used by the wireless transceiver unit in response to detecting that the power failure has occurred.” Therefore, the voice channel remains active even though the data channel has been torn down. Support for this amendment may be found, for example, on page 12, lines 22 to page 13, lines 2.

The section of Serikawa et al. cited in the Office Action teaches sending a C channel inhibition signal to registered Communication Access Units (“CAUs”) to stop the CAUs from transmitting on a C channel to avoid collisions. (column 36, lines 49-58.)

Serikawa et al. is silent with respect to the voice traffic channel (referred to as the B channel in Serikawa et al.). However, the applicant notes, in the section cited in the Office Action, the CAUs have malfunctioned (e.g., their power supplies have been cut off), therefore, the voice traffic channel would also have been cut off and could not be maintained after the data channel has been torn down.

Because Canada et al., Serikawa et al., and Patel alone and in hypothetical combination fail to teach or suggest the inventions of claim 18-21, withdrawal of this ground for rejection is kindly requested.

#### **Claim 22-25**

Claims 22-25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada et al., and Davies. The applicants respectfully traverse this rejection. Claims 22-25 have been cancelled by this amendment rendering this ground for rejection moot.

#### **Claim 26-28**

Claims 26-28 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada et al., and U.S. Patent No. 6,040,786 issued to Fujioka.

Claims 26-28 have been amended to recite a selecting a call record type or a configuration type and constructing an information request message of the selected type. Further, the claims recite the information received from the from each available wireless transceiver unit is of the selected type. As discussed above, Canada et al. does not disclose selecting a call record type. Additionally, Canada et al. fails to disclose a configuration type. Instead, Canada et al. teaches status data representative of the status of the machine and the status of the monitor.

Because Fujioka does not cure this deficiency of Canada et al., withdrawal of this rejection with respect to claims 26-28 is kindly requested.

**Claim 29-31**

Claims 29-31 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada et al., and U.S. Patent No. 5,526,357 issued to Jandrell.

Claims 29-31 have been amended to recite “receiving an information request message requesting information having a call record type or a configuration type over a broadcast channel” and “sending information of the type requested by the information request message.” Canada et al. fails to teach or suggest an information request message having either a call record type or a configuration type. Because Jandrell does not cure this deficiency of Canada et al., withdrawal of this rejection with respect to claims 29-31 is kindly requested.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. In an effort to advance prosecution of this case, the Examiner is invited to contact the undersigned at (206) 757-8021.

Respectfully submitted,

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